

# EXHIBIT C

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and SUZANNE )  
NAGELSKI, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
PREFERRED PAIN MANAGEMENT & SPINE )  
CARE, P.A., DR. DAVID SPIVEY, )  
individually, and SHERRY SPIVEY, )  
individually, )  
 )  
Defendants. )  
 )

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VIDEOTAPED DEPOSITION

OF

SHERRY SPIVEY

**CONFIDENTIAL**

At Raleigh, North Carolina

Thursday, August 9, 2018

REPORTER: ELAINE F. HAYES  
Notary Public

**REED & ASSOCIATES**  
2401 Whirlaway Court  
Matthews, NC 28105  
980-339-3575

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A. Probably.

1 A. Right.

2 Q. And sitting here today, is there an issue with what  
3 Sue said about kind of a more generic something in  
4 writing?

5 A. I'm not sure what you mean, an issue with more  
6 generic.

7 [REDACTED]  
8 [REDACTED]

9 A. Yes.

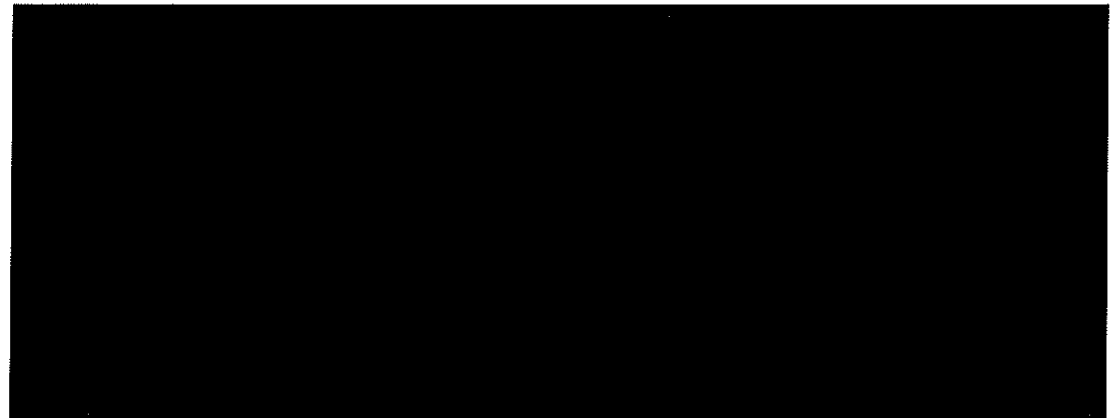
10 Q. And you didn't document any of the issues, right?

11 A. No.

12 Q. And you could have documented in a more generic way,  
13 right?

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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Q. Go to the page in the bottom right-hand corner that's 3194.

A. Okay.

Q. It should be the front. And you can see that e-mail from Sue on June 9th at 3:51 a.m. saying, "I'm not asking for details. I'm merely asking for something generic that summarizes," right? Do you see that?

A. I do.

Q. And in your response, you say that you've stated your position and, quote, "I am not intimidated by legal repercussions that you frequently bring up," right?

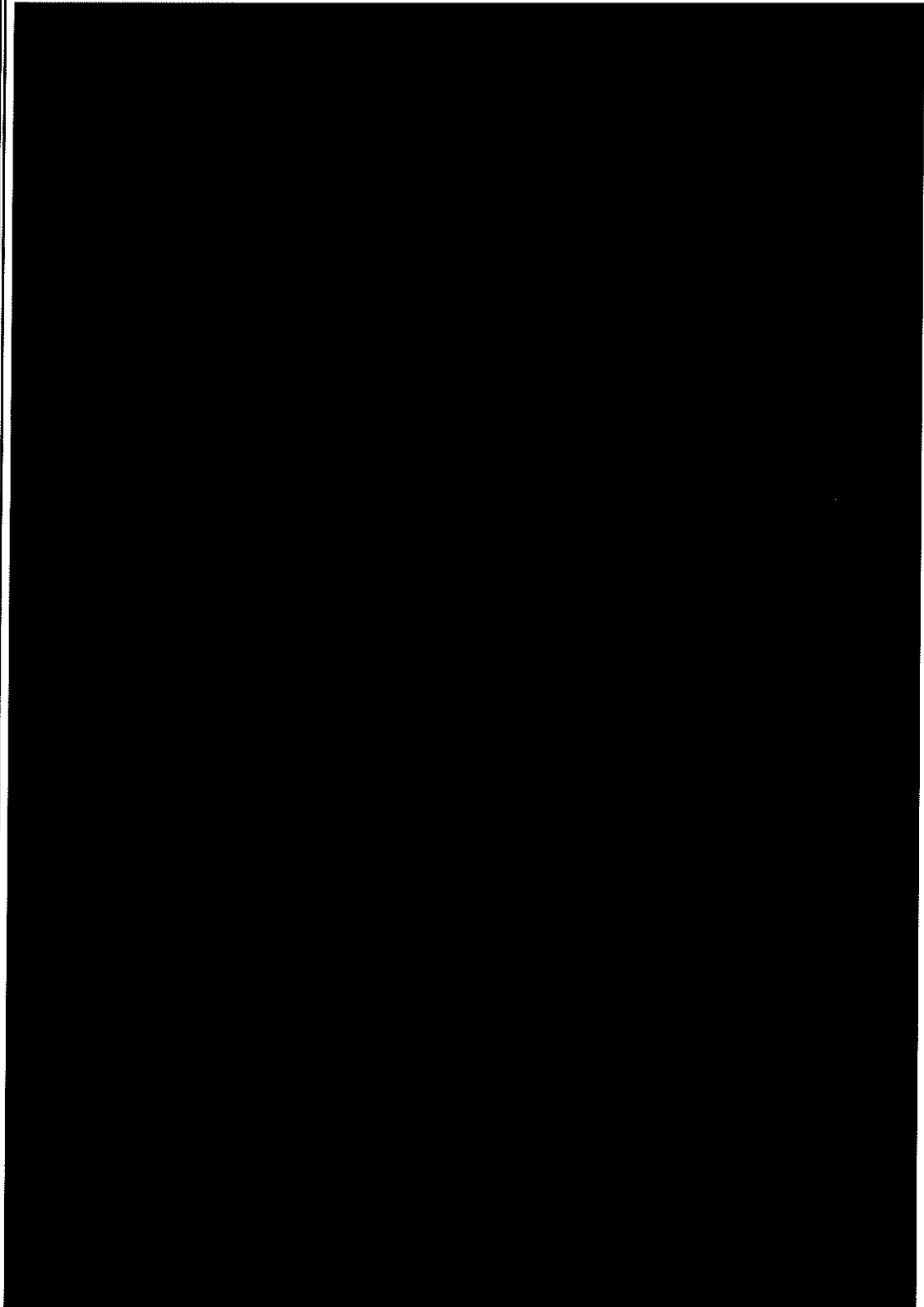
A. Right.

Q. What did you mean by that?

A. Well, any time that I didn't do something that was supposed -- whether it was Sue's opinion it should be by the book or whether it was by the book, she would start barraging me with legal possibilities.

Q. In this exchange, is there a barrage of legal

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**S. Spivey Dep. Ex. 59**

**6/9/15 Email**

**from S. Nagelski**

**FILED UNDER SEAL**

**CONFIDENTIAL**

**From:** David Spivey [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E87269FBA4D94B49955B8AD93E9CA8AC-DSPIVEY]  
**ent:** Tuesday, May 31, 2016 5:03:50 PM  
**ro:** Rebecca Kovalich  
**Subject:** Pay increases

Rebecca,



Regards,

David L. Spivey, M.D.  
President and CEO, Preferred Pain Management and Spine Care, PA



DEFENDANTS003419